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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,748	01/25/2000	Mark P. Bendett	1014.002US1	7587

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EXAMINER

ZAHN, JEFFREY N

ART UNIT PAPER NUMBER

2828

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,748

Applicant(s)

BENDETT ET AL.

Examiner

Jeffrey N Zahn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 23-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6,7,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of Claims 1-22 in Paper No. 11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

The abstract of the disclosure is objected to because they length exceeds the 150 word limit. See Rule 1.72. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1-22, 1) it is unclear how/where the diode pump laser is positioned relative to the substrate, i.e. "adjacent" is too general of a term, 2) how the pump laser is positioned so that light is absorbed along a length of the waveguide and 3) the Applicant has claimed a pump laser with "an extended waveguide laser resonator cavity" without reciting any structure to support this feature; therefore, this claimed feature is indefinite. The claim should recite the elements of a "pump laser with an

extended waveguide laser resonator cavity" and relate these elements/features to the remainder of the claimed invention, i.e. the waveguide substrate etc.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the features/elements described in Fig. 1 as the embodiment of the invention. Specifically, 1) the reflectors/DBR gratings that make up the resonant cavity of the waveguide resonator, 2) the cavity length relationships and 3) the DBR grating spacing.

Claims 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: all the steps associated with the laser light propagating through the device of Fig. 1 as discussed above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11, and 17-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (US 5142660).

Regarding Claim 1, Chang et al. discloses a an optical component comprising: a glass substrate doped with a laser species (Fig. 1; see also col. 3, line 4- col. 4, line 23);

a waveguide (14) defined within the substrate (12); and a diode pump laser (PUMP LIGHT as indicated on Fig. 1; also (28)), the laser cavity being positioned adjacent the substrate waveguide so that pump light from the diode laser is absorbed along a length thereof (Fig. 1).

Claim Interpretation Explanation: the term "adjacent" and "absorbed along a length" are given the broadest reasonable interpretation. Here, "adjacent" is interpreted as including from an end facet of the substrate/waveguide region and "absorbed along a length" includes the implication from Fig. 1 of Chang et al. that pump light will travel through the waveguide and be absorbed at different points along the longitudinal direction of the waveguide.

Regarding Claims 2 and 3, Chang et al discloses the substrate doped with Yb and Er (col. 3, line 4- col. 4, line 23).

Regarding Claim 4, Chang et al. discloses the substrate waveguide including a laser resonator cavity (Fig. 1; col. 3, line 4- col. 4, line 23).

Regarding Claim 5 and 11, Chang et al. discloses a reflection grating (35).

Regarding Claims 17-19, the steps recited are inherent of the Chang et al. disclosure discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10, 12-16 and 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. as applied to claims 1-5, 11 and 17-19 above, and further in view of Kaminow et al. (US 4039249).

Regarding Claims 6-10 and 12-16, Chang et al. as applied to the claims above lacks a cladding deposited on the substrate waveguide, the cladding being composed of an electro-optic polymer with a variable index of refraction; and electrodes for applying an electrical potential across the grating cladding to vary the index of refraction in accordance therewith and thereby vary the wavelength of light reflected by the grating. Kaminow et al. teaches the use of these claimed features (abstract and Fig. 1; see also col. 1, line 54- col. 3, line 10) to facilitate the tuning an optical component to a desired wavelength by applying an electrical field across the gratings of the waveguide/substrate structure (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chang et al. as claimed to include these features.

Regarding Claims 20-22, the claimed steps are inherent of the teachings described above regarding Claims 6-10 and 12-16.


Conclusion

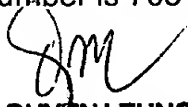
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aoki et al. (US 4993034), Huber (US 5295209), Pocholle et al. (US 5311540), Welch et al. (US 5384797), Samson et al. (US 6304711) and Bendett et al. (US 6330388).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey N Zahn whose telephone number is 703-305-3443. The examiner can normally be reached on M-F: 8:30-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on 703-308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Jeffrey Zahn
August 12, 2002


QUYEN LEUNG
PRIMARY EXAMINER
